




the limited portions of those documents that are either factual assertions made by the defendants or would provide impeachment material.” Response (#45) at 1. While the court is willing to conduct such *in camera* review, its ability to determine what is discoverable under Rule 16 and Brady and its progeny is limited, somewhat, by its knowledge of what the government’s evidence is, what defenses are likely to be asserted, and what witnesses will be called. Put another way, it is difficult to determine what may have impeachment value unless the court first knows what evidence such material could call into question. While it may be obvious after review just what that material is, a first step would be for the government to provide the court with a redlined version of both PSRs. The court notes that neither of those PSRs are sealed as to the government. It may also be helpful to have advance trial briefs to aid in that process.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that defendant’s “Motion for In Camera Review of Sealed Filings in Related Criminal Case” (#42) is **GRANTED**, and the court will conduct such review after it has received redlined or similarly edited versions of the Olivares’s PSR from the government indicating what portions the government believes should be unsealed, and which should not, under Rule 16 and Brady and its progeny. The parties should discuss whether early disclosure of trial briefs to the court would also aid in that process.

Signed: March 31, 2016



Max O. Cogburn Jr.  
United States District Judge